

Application Number 10/731,881
Amendment Under Section 1.312 Filed January 15, 2008

REMARKS

This Amendment is responsive to the Examiner's Amendment accompanying the Notice of Allowability mailed on October 26, 2007. Applicant has amended claims 1, 6, and 19. Claims 1, 2, 4, 6-20, 22-25, and 28-32 are pending.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 1, 2, 4, 6-20, 22-25 and 28-32 as previously presented are allowable.

Amendment to the Claims

During a telephonic interview between Applicant's attorney of record, Jessica H. Kwak, and Examiner Jessica L. Reidel on October 22, 2007, the parties discussed proposed Examiner's amendments to claims 1 and 19. In particular, the parties discussed adding limitations previously presented in dependent claim 5 (now cancelled). Dependent claim 5 recited that a first component of the overmold comprises an elastomeric material, and second and third components comprise a non-elastomeric material.

The Examiner's Amendment mailed on October 26, 2007, however, amended independent claims 1 and 19 to recite an "elastomeric component" and "nonelastomeric components." With the present Amendment under 37 C.F.R. § 1.312, Applicant has amended independent claims 1 and 19 to more accurately reflect the subject matter previously presented in dependent claim 5. In particular, claims 1 and 19 as currently amended recite that the first component comprises an elastomeric material, and the second and third components comprise a non-elastomeric material. Claim 6 has been amended to delete an extraneous comma.

Entry of the amendments to claims 1, 6, and 19 is respectfully requested. Applicant submits that the amendments do not affect the scope of the claims as previously agreed to by Applicant's representative and Examiner Reidel.

Comments on Statement of Reasons for Allowance

In the Notice of Allowability, the Examiner provided a Statement of Reasons for Allowance, which discussed Berrang et al. (U.S. Patent No. 6,358,281). As a preliminary matter,

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Applicant does not agree with the Examiner's characterization of Berrang et al. For example, Applicant does not agree that the housing section 2 disclosed by Berrang et al. a "hermetically sealed housing section 2 for battery module 18" or that the housing section 3 is a "hermetically sealed housing section 3 for electronics circuit module 21."

Applicant agrees with the Examiner that the references of the prior art fail to show, teach or suggest all of Applicant's claimed invention. In the Notice of Allowability, the Examiner stated that "the state of art fails to show an implantable medical device comprising a plurality of interconnected hermetically sealed modules."¹ Applicant clarifies for the record that independent claims 1, 6, 15, 19, 23, 25, and 28 do not require the modules to be hermetically sealed. Claim 30, however, which depends from independent claim 1, specifies that the housing of at least one of the modules is hermetic.

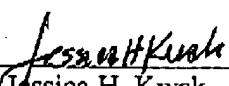
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: January 15, 2008

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¹ Notice of Allowability at p. 6, item 5.